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I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 8, 2005.
Amy C. Walker *Amy C. Walker*
(Name of person mailing paper) (Signature)

PATENT
Docket No.: 57657/04-265
Response to Office Action
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/826,929
Applicant: Lai
Filed: 04/16/2004
Confirmation No.: 1334
Title: DNA Vaccine Expressing HA1 of Equine-2 Influenza Virus
Art Unit: 1648
Examiner: McGaw, Michael M.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

This paper is submitted in response to the non-final Official Action mailed 03/08/2005. An extension of time for three (3) months is required. Please consider this paper to constitute a Petition for Extension of Time for three (3) months and charge the fee for the Extension of Time in the amount of \$1,020.00 according to the attached Credit Card Payment Form (PTO-2038). A duplicate copy of the Amendment Transmittal Letter is submitted to accompany the Payment Form. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

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There are no **Amendments to the Specification or Drawings.**

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.